

## **REMARKS**

### **I. Status of the Claims and the Rejections**

Claims 22, 24, 25, 27, 29, 30, 34-36, 38, and 39 were rejected for lack of novelty under 35 U.S.C. § 102(b) based on U.S. Patent No. 5,513,500 to Fischer et al. ("Fischer '500"). Claims 23, 26, 31-33, 37, 40, and 42 were rejected for obviousness under 35 U.S.C. § 103(a) based on Fischer '500. Claims 28 and 41 were rejected for obviousness under 35 U.S.C. § 103(a) based on Fischer '500 in view of U.S. Patent No. 3,216,215 to Schuett ("Schuett '215"). Applicants respectfully traverse these rejections.

Nevertheless, independent claim 22 has been amended to clarify the subject matter regarded as patentable. Moreover, claims 29, 31, 35, 38, and 41 have also been amended. Claims 23, 30, and 33 have been cancelled. In view of these amendments and the following remarks, Applicants respectfully request reconsideration.

The Office Action included an objection to claims 35 and 38 for indefiniteness, due to the inclusion of the word "preferably" in both claims. Applicants have amended claims 35 and 38 to remove the "preferably" language. As such, Applicants respectfully request that this objection be withdrawn.

### **II. Fischer '500 Does Not Anticipate Any Of Claims 22, 24, 25, 27, 29, 30, 34-36, 38, or 39**

Claim 22 has been amended to incorporate the features of former claims 23, 30, and 33. More specifically, claim 22 now includes at least two refrigeration machines operated in parallel and a central control unit controlling the refrigeration capacity based on at least one parameter indicating the current refrigeration demand. Claim 22 now recites that the two refrigeration machines are activated so that, on average, the refrigeration machines have substantially the same length of operation in terms of time.

Fischer '500 is directed generally to a system for cooling food in an aircraft. Fischer '500 fails to disclose two refrigeration machines in parallel operation that can each cover the maximum refrigeration requirement, as recited in claim 22. On the contrary, Fischer '500 provides that a skin heat exchanger (41) may be used as a further source of cooling, which indicates that the one cooling plant in Fischer '500 may not provide enough cooling to cover the maximum refrigeration requirement at all times (Col. 2, Lines 15-17). Furthermore, Fischer '500 fails to disclose a cooling system that is controlled with a central control unit such that the refrigeration machines have substantially the same duration of operation, in terms of time. Fischer '500 provides no indication of using two refrigeration systems in parallel, let alone the specific control modes recited in claim 22.

For at least these reasons, Fischer '500 cannot anticipate claim 22. Applicants respectfully request that the rejection be withdrawn as to claim 22. Claim 22 is patentable over Fischer '500.

Each of the dependent claims currently depend directly or indirectly from claim 22. As such, Fischer '500 cannot anticipate any of the dependent claims for at least the reasons explained above. Applicants respectfully request that this rejection be withdrawn as to each of the dependent claims. Moreover, each of these claims is patentable over Fischer '500.

### III. Claims 23, 26, 31-33, 37, 40, and 42 Are Unobvious

Each of the rejected claims depends on amended claim 22. As stated above, Fischer '500 fails to disclose multiple aspects of the cooling device of amended claim 22. Therefore Fischer '500 also fails to disclose the subject matter of claims 26, 31, 32, 37, 40, and 42.

More specifically, Fischer '500 does not teach any methods of controlling the cooling system in an aircraft other than ensuring that the coolant supply temperature remains

above 32 degrees Fahrenheit (Col. 5, Lines 55-61). As such, it would not have been obvious in light of the Fischer '500 cooling system to add at least a second refrigeration machine or to use the control modes of equal operation of the two refrigeration machines, as recited in claim 22. One of the stated objects of Fischer '500 is "to provide such a cooling system that uses only a single centrally located cooling plant for providing cooling to all of the individual galleys of an aircraft" (Col. 2, Lines 15-17). This single cooling plant appears to teach away from using two refrigeration machines in parallel, as recited in claim 22. Consequently, Applicants respectfully assert that claim 22 is not rendered obvious by Fischer '500.

Each of the claims specifically rejected in this rejection depends on claim 22. For substantially the same reasons that claim 22 is not obvious in light of Fischer '500, and further because each of these dependent claims adds one or more additional features, each of these dependent claims patentably defines over Fischer '500. Applicants respectfully request that these rejections be withdrawn.

#### IV. Claims 28 and 41 Are Unobvious

As stated above, Fischer '500 fails to disclose multiple aspects of the cooling device of amended claim 22. Therefore Fischer '500 also fails to disclose the subject matter of claims 28 and 41, which depend on claim 22.

More specifically, claim 28 is directed to a store that compensates for thermal expansion and leakage losses of the refrigerating unit. Claim 41 is directed to influencing the refrigeration capacity of the cooling system with the control unit by altering the amount of refrigerating agent conveyed in the refrigeration transport system.

Schuett '215 fails to disclose any of the missing elements from Fischer '500. Schuett '215 is directed to a chicken egg incubator-hatcher. It would not likely be combined with Fischer '500 by one of ordinary skill in the art. Nevertheless, similar to Fischer '500,

Schuett '215 fails to teach two refrigeration machines operated in parallel, or that the machines are controlled such that each refrigeration machine is operated approximately equally in terms of time.

Therefore, Applicants respectfully assert that even the combination of Fischer '500 and Schuett '215 would be deficient. Stated positively, each of claims 28 or 41 patentably defines over Fischer '500 and Schuett '215. Applicants respectfully request that this rejection be withdrawn.

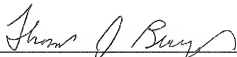
**CONCLUSION**

Based on the amendments to the claims and these remarks, Applicants respectfully submit that the pending claims are in condition for allowance, and request that they be allowed without further delay. It is perhaps of interest to the USPTO that claims generally of the same scope as remaining claims 22-42 have been allowed by the European Patent Office, over this same prior art.

It is believed that no fee is due for this filing. If any fee is deemed due, consider this as an authorization to charge Deposit Account 23-3000.

Respectfully submitted,  
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